



Work-Product

## UNITED STATES AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

### RECORD OF PROCEEDINGS

IN THE MATTER OF:

DOCKET NUMBER: BC-2024-00277

Work-Product

COUNSEL: NONE

HEARING REQUESTED: NO

### APPLICANT'S REQUEST

1. His DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflect he was discharged due to a disability.
2. The date of separation on his DD Form 214 be changed to 25 Aug 23.
3. His active duty dates from his previous DD Form 214 overlap (this was administratively corrected).

### APPLICANT'S CONTENTIONS

He was discharged due to his unfit medical disability on 25 Aug 23. The Department of Veterans Affairs (DVA) denied his request for 100 percent tuition rate for education benefits. The DVA has to have a DD Form 214 showing he was discharged due to his disability. He already submitted his disability retirement order to the DVA, but this did not satisfy the requirement.

The applicant's complete submission is at Exhibit A.

### STATEMENT OF FACTS

The applicant is a medically retired Air National Guard (ANG) airman first class (E-3).

Dated 7 Jul 23, Order Number **Work-Product** indicates the applicant was on fulltime duty, Active Guard and Reserve (AGR) orders from 1 Oct 22 through 31 Jul 23.

On 19 Jul 23, AF Form 356, *Informal Findings and Recommended Disposition of USAF Physical Evaluation Board*, indicates the applicant was found unfit due to his medical condition of lumbar disc herniation with stenosis with a disability compensation rating of 40 percent with a recommendation of "Permanent Retirement."

On 27 Jul 23, email traffic from ARPC Disability branch to ARPC indicates the applicant's commander would extend his AGR order through 5 Aug 23 and he would be a traditional

**AFBCMR Docket Number BC-2024-00277**  
**CUI//SP-MIL/SP-PRVCY**

Controlled by: SAF/MRB  
CUI Categories: **Work-Product**  
Limited Dissemination Control: N/A  
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guardsman from 6 through 25 Aug 23. The original email dated 26 Jul 23 indicated his AGR orders would be extended until 25 Aug 23.

Dated 2 Aug 23, Special Order **Work-Product** indicates the applicant was permanently disability retired in the grade of airman first class (E-3) with a compensable percentage for physical disability of 40 percent, effective 26 Aug 23.

On 3 Aug 23, DD Form 214, *Certificate of Release or Discharge from Active Duty*, reflects the applicant was honorably discharged in the grade of airman first class (E-3) after serving 1 year, 10 months, and 3 days of active duty for this period. He was discharged, with a narrative reason for separation of "Completion of Required Active Service."

For more information, see the excerpt of the applicant's record at Exhibit B and the advisory at Exhibit C.

#### **APPLICABLE AUTHORITY/GUIDANCE**

Per DoDI 1332.18, *Disability Evaluation System*, dated 10 Nov 22, paragraph 1.2.k, Reserve Component Service members on active duty orders specifying a period of more than 30 days, who incur a potentially unfitting condition during that time will, with their consent, be kept on active duty for disability evaluation processing until final disposition by the Secretary of the Military Department concerned.

Per AFI 36-3212, *Physical Evaluation for Retention, Retirement, and Separation*, dated 15 Jul 19, Chapter 4, *Evaluation of Air Reserve Component Members*, paragraph 4.9, do not retire or discharge a service member whose case is undergoing disability evaluation until completion of the disability case. Under paragraph 4.5.1, an ARC member who incurs or aggravates an injury, illness, or disease while performing duty in an authorized military status may be continued on orders (original, Title 10, or Title 32) solely for processing under this instruction. Per paragraph 6.4, of this instruction, the Force Support Squadron (FSS) must not retire, discharge, nor release a service member from active duty before receiving the final decision in the form of either retirement orders, separation instructions or a return to duty notification from AFPC/DPFDD.

Per Title 10, U.S.C., Section 1168, *Discharge or release from active duty: limitation*; DoDI 1336.01, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; AFI 36-3202, *Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series)*; and DD Form 214 Total Force Personnel Services Delivery Guide, the DD Form 214 is prepared in accordance with the aforementioned publications and is used to record qualifying active duty service.

Air Reserve Component (ARC) members on continuous active duty for 90 calendar days or more will be issued a DD Form 214. A DD Form 214 may also be issued to ARC members for completion of less than 90 continuous calendar days of active duty for the following reasons: (1) completion of an initial active duty for training (IADT) regardless of length of time; (2) ordered

or called to active duty for support of DoD named Contingency Operation for 30 days or more; (3) or separating for cause (for ARC airman).

## **AIR FORCE EVALUATION**

ARPC/DPTS recommends denying the applicant's request to have his DD Form 214 indicate he was permanently disability retired with a separation date of 25 Aug 23. After reviewing the records, ARPC/DPTS finds no evidence of an error or injustice. On 26 Aug 23, he was permanently disability retired; however, his active-duty orders ended on 3 Aug 23.

The complete advisory opinion is at Exhibit C.

## **APPLICANT'S REVIEW OF AIR FORCE EVALUATION**

The Board sent a copy of the advisory opinion to the applicant on 31 Jul 24 for comment (Exhibit D), but has received no response.

## **FINDINGS AND CONCLUSION**

1. The application was timely filed.
2. The applicant exhausted all available non-judicial relief before applying to the Board.
3. After reviewing all Exhibits, the Board concludes the applicant is not the victim of an error or injustice. The Board concurs with the rationale and recommendation of ARPC/DPTS and finds a preponderance of the evidence does not substantiate the applicant's contentions. The DD Form 214 is used to record qualifying active-duty service and the Board finds no evidence to suggest the applicant was in an active duty status at the time of his separation and placement on the PDRL. His disability retirement order, published on 2 Aug 23, which placed him on the PDRL reflects his current status. Per AFI 36-3212, since the applicant's retirement order was published on 2 Aug 23, the applicant's unit ended his AGR tour on 3 Aug 23, considering his retirement order reflected the final decision in his case. Therefore, the Board recommends against correcting the applicant's records.

## **RECOMMENDATION**

The Board recommends informing the applicant the evidence did not demonstrate material error or injustice, and the Board will reconsider the application only upon receipt of relevant evidence not already presented.

## **CERTIFICATION**

The following quorum of the Board, as defined in Department of the Air Force Instruction (DAFI) 36-2603, *Air Force Board for Correction of Military Records (AFBCMR)*, paragraph 2.1, considered Docket Number BC-2024-00277 in Executive Session on 16 Oct 24:

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Panel Chair  
, Panel Member  
Panel Member

All members voted against correcting the record. The panel considered the following:

Exhibit A: Application, DD Form 149, w/atchs, dated 28 Nov 23.

Exhibit B: Documentary evidence, including relevant excerpts from official records.

Exhibit C: Advisory Opinion, ARPC/DPTS, dated 26 Jul 23.

Exhibit D: Notification of Advisory, SAF/MRBC to Applicant, dated 31 Jul 23.

Taken together with all Exhibits, this document constitutes the true and complete Record of Proceedings, as required by DAFI 36-2603, paragraph 4.12.9.

11/7/2024

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Board Operations Manager, AFBCMR  
Signed by: USAF

**AFBCMR Docket Number BC-2024-00277**

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